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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 002389

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DEPT FOR EUR/ERA JOHN RODGERS, IO/UNP MARK WEINBERG, L/EUR
EVAN BLOOM

E.O. 12958: DECL: 06/04/2014

TAGS: [PREL UN EUN USEU BRUSSELS](#)

SUBJECT: DEALING WITH EU IN INTERNATIONAL ORGANIZATIONS:
USEU FIRST IMPRESSIONS

REF: A. A) STATE 10097

[1](#)B. B) STATE 100881

[1](#)C. C) UNVIE VIENNA 471

[1](#)D. D) BRUSSELS 2292

Classified By: USEU POLOFF TODD HUIZINGA, FOR REASONS 1.4 (B) AND (D)

[1](#)1. (C) SUMMARY: We reviewed ref A draft guidelines on dealing with the EU in international organizations, and believe the guidelines, with a few adjustments, will provide what is needed: an equitable and fair framework which allows flexibility within broad parameters and clearly spells out U.S. redlines. Below are USEU's overall recommendations (para 2), and specific comments on each of the draft guidelines (para 3). END SUMMARY.

[1](#)2. (C) RECOMMENDATIONS:

--The guidelines should provide flexibility within broad parameters, but with U.S. redlines clearly explained.

--Flexibility within broad parameters should help USG officials to apply the guidelines in a wide variety of circumstances and venues.

--Clear red lines are needed to overcome the current lack of clarity and the resulting tensions between the U.S. and the EU.

--The guidelines should be conspicuously equitable. It should be emphasized that their primary purpose is to promote fairness for all interested parties; the guidelines should ultimately be shared with the EU in order to promote constructive U.S.-EU engagement in international organizations.

--Department, together with Japan, Canada and Australia, should consider approaching the EU once the guidelines are in final version. The purpose of the approach should be to get explicit EU agreement to the guidelines, even if that may require a willingness to negotiate with the EU on some of the fine points.

END RECOMMENDATIONS.

[1](#)3. (C) SPECIFIC COMMENTS ON THE DRAFT GUIDELINES:

--The first guideline as written -- that rules for EU participation must be reviewed case-by-case and no particular case creates a precedent for others -- could result in a continuation of endless haggling with the EU in each individual case. We suggest the following reformulation: "Equitable general guidelines should be established with which EU participation should comply in each particular case. We do not view EU participation in any particular case as creating a precedent for others unless the relevant conditions of both cases are identically applicable."

--On the second guideline, we would appreciate a clearer delineation of what type of speaking arrangements would confer special advantages to the EU, and what those special advantages would be.

--On the third guideline, is the USG justified in trying to prevent EU member states alone from constituting a quorum at any meeting? If the principle behind the guidelines is no additionality -- not to allow the EU and its member states to have an advantage over other countries simply because of the existence of the EU, then presumably the EU and its member states should suffer no disadvantage simply because of the existence of the EU.

--On the fourth guideline, we agree that the onus should be on the EU to disclose fully its competence over the subject matter of meetings, and inform third parties who is negotiating for the EU. If the EU claims mixed competency (competency shared by the European Commission (EC) and EU member states) but cannot explain how the mixed competency is shared or what the implications of mixed competency are in a particular case, the EC should not be granted any enhanced status.

--On the fifth guideline, we propose that the sentence, "EU rights at major conferences should be subject to case-by-case review" be changed to "EU rights at major conferences and agencies within international organizations should be subject to case-by-case review within established and equitable broad guidelines." This will allow for enough flexibility to accommodate cases in which enhanced EU rights not only in conferences, but also in agencies within IOs, may be equitable and in the interest of the U.S.

--While we understand the need to maintain flexibility, the sixth guideline, "The EU should not be allowed to dominate by its numbers small negotiating groups," should be delineated more clearly. What exactly is meant by "dominate by its numbers?" What exactly are "small negotiating groups?" If exact answers to these questions are not possible, perhaps Department can illustrate the overall intent of this guideline by including specific examples of cases in which the EU has dominated small negotiating groups.
--USEU agrees with the final guideline, "We should consult on any additional questions that go beyond these basic guidelines."

END COMMENTS ON DRAFT GUIDELINES.

13. (C) We will continue to work this issue, and consult our counterparts in the Japanese, Australian and Canadian Missions.

FOSTER